

the approval of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326(a).

3. The facts and information contained in this affidavit are based upon my training and experience, personal knowledge, and observations during the course of this investigation, as well as the observations of other agents involved in this investigation. This affidavit contains information necessary to support probable cause, and it is not intended to include each and every fact and matter observed by me or known to the government.

PROBABLE CAUSE

4. On or about April 29, 2018, ICE received information from the Fairfax County Adult Detention Center, ("FCADC"), located in Fairfax, Virginia, within the Eastern District of Virginia, that RIVERA-BARRARA, an alien, was detained at FCADC. FCADC notified ICE of RIVERA-BARRARA's arrest for felony schedule I/II possession of drugs, in violation of Virginia Code 18.2-250.

5. ICE performed records checks which confirmed that a Guatemalan national named Helden RIVERA-BARRARA was removed from the United States to Guatemala on or about March 17, 2010, from Houston, Texas. The Alien File ("A-File") for this person is A# 087 941 653 and the FBI number for this person is 205274FD3. Upon his arrest in Fairfax County, defendant identified himself to Fairfax police officers as Calvin Barrela from Guatemala. This name positively matches an alias contained in the FBI file associated with RIVERA-BARRARA.

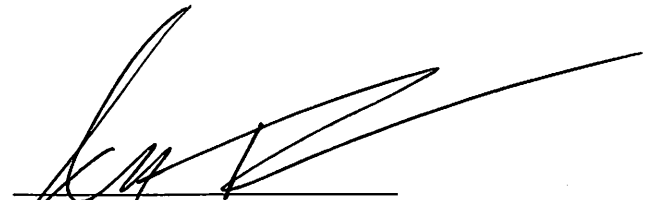
6. On or about April 29, 2018, defendant was fingerprinted at FCADC. An electronic copy of defendant's fingerprints were then processed through ICE indices containing fingerprint records of known and previously deported aliens. Results of this query showed positive matches to RIVERA-BARRARA.

7. I reviewed RIVERA-BARRARA's alien file, A# 087 941 653 which includes a fully executed ICE Form I-205 (Warrant of Removal/Deportation,) bearing fingerprints for the Heldin RIVERA-BARRARA who was removed from the United States on March 17, 2010.

8. On May 17, 2018, RIVERA-BARRARA's fingerprints from prior Form I-205, dated February 12, 2010, and fingerprints from defendant's Form FD-249, dated April 29, 2018, were submitted to the FBI Special Processing Center. On May 17, 2018, the FBI confirmed all submitted exhibits were identical matches and a positive match to RIVERA-BARRARA's FBI/UCN number.


9. RIVERA-BARRARA's alien file lacks evidence of any immigration benefit, document, or status that would allow him to enter, be admitted, pass through, or reside in the United States legally. Further, RIVERA-BARRARA's alien file lacks any evidence he has obtained permission from the Attorney General or the Secretary of the Department of Homeland Security to reenter the United States following his formal removal.

10. Based on the foregoing, I submit there is probable cause to believe that on or about April 29, 2018 in Fairfax, Virginia, within the Eastern District of Virginia, RIVERA-BARRARA, an alien having been removed from the United States to Guatemala on or about March 17, 2010, from Houston, Texas, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security, to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a).



Mark Tlumacki
Deportation Officer
United States Immigration and Customs
Enforcement

Subscribed and sworn to before me
This 20th day of June 2018.

_____/s/ 
John F. Anderson
~~United States~~ Magistrate Judge
United States Magistrate Judge

Alexandria, Virginia